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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,345	12/10/2001	Christopher J. Stone	GIC-656	6495
20028	7590	03/13/2006		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER CHANG, SHIRLEY	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,345

Applicant(s)

STONE, CHRISTOPHER J.

Examiner

Shirley Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/9/05, 1/30/02</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim(s) 1-5, 7, 10-17, 21-27, 29, 32-39, 43-49, 51, 54-61, 65-66 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Ching (20010003184).

Claims 1-5, 7, 10-17, 21-22 correspond to claims 23-27, 29, 32-39, 43-44, respectively (the limitations are included and met as discussed below in claims 23-27, 29, 32-39, 43, respectively).

Claims 47-49, 51, 54-61, 65-66 correspond to claims 25-27, 29, 32-39, 43-44, respectively (the limitations are included and met as discussed below in claims 25-27, 29, 32-39, 43-44, respectively).

As to claim 23, Ching discloses:

A system for enabling a television appliance (fig. 10C, el. 212, 210) to be tuned using an internet appliance (fig. 10C, el. 212), comprising: a first network (fig. 10, el. 230, 220,

210) for providing a program advertisement to said internet appliance (fig. 10C, el. 230; [0129]); and

a second network (fig. 10, el. 230, 220, 210, 260) for providing channel map information to said internet appliance which identifies a channel for a program advertised in said program advertisement (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0129]);

said program advertisement is displayed on said internet appliance; said advertised program is selected via interaction with said program advertisement; a tune command is communicated to said television appliance from said internet appliance in response to said interaction; said television appliance tunes to said channel in response to said tune command (user clicks advertisement, TV tunes to show [0129]).

As to claim 24, Ching discloses:

said internet appliance creates said tune command for said advertised program based on said channel map information (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0129]).

As to claim 25, Ching discloses:

said television appliance comprises a television (fig. 10C, el. 212; [0129]).

As to claim 26, Ching discloses:

the program advertisement is provided to the internet appliance by a content provider (fig. 10C, el. 230; [0129]).

As to claim 27, Ching discloses:

the channel map information is provided to the internet appliance by one of a content provider (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code, ad server 230 [0129]).

As to claim 29, Ching discloses:

said first network comprises an external communication network (fig. 10, el. 230, 220, 210); and said second network (fig. 10, el. 230, 220, 210, 260) comprises a system operator network (fig. 10C; [0129]).

As to claim 32, Ching discloses:

said advertisement comprises a hypertext markup language (HTML) link ([0047-0050]; [0134]).

As to claim 33, Ching discloses:

said HTML link includes a channel identifier from said channel map corresponding to the program identified in said advertisement ([0128-0129]; [0047-0050]).

As to claim 34, Ching discloses:

said tune command comprises said channel identifier ([0128-0129]; [0047-0050]).

As to claim 35, Ching discloses:

said advertisement is provided to said internet appliance via the use of an internet protocol datagram ([0047-0050]; [0134]).

As to claim 36, Ching discloses:

said datagram is constructed using hyper text transfer protocol (HTTP) ([0047-0050]; [0134]).

As to claim 37, Ching discloses:

said advertisement appears on said internet appliance as a pop-up advertisement (fig. 10A-C; [0127]).

As to claim 38, Ching discloses:

said advertisement is targeted for display on a specific location on the internet appliance ([0127-0128-0129]).

As to claim 39, Ching discloses:

interactive web pages are displayed on said internet appliance which relate to said advertised program in response to tuning said television appliance to said channel ([0127-0128-0129]).

As to claim 43, Ching discloses:

said internet appliance comprises one of a wireless web pad, a personal computer, or a web-enabled personal digital assistant [0131].

As to claim 44, Ching discloses:

the program advertisement comprises a targeted advertisement directed to one of a specific viewer or group of viewers (demographics [0129]).

As to claim 45, Ching discloses:

An internet appliance for tuning a television appliance, comprising: a first network interface (fig. 10, el. 230, 220, 210) for receiving a program advertisement via a first network (fig. 10C, el. 230, 210; [0129]);

a second network interface (fig. 10, el. 230, 220, 210, 260) for receiving channel map information via a second network, which channel map information identifies a channel for a program advertised in said program advertisement (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0128-0129]);

a display for displaying said program advertisement; a user interface for selecting said advertised program via interaction with said program advertisement (user clicks advertisement, TV tunes to show [0129]); and

a processor for generating a tune command for said selected advertised program (fig. 10C, el. 210; [0129]);

wherein said tune command is communicated to said television appliance from said internet appliance to cause said television appliance to tune to said channel (user clicks advertisement, TV tunes to show [0129]).

As to claim 46, Ching discloses:

said processor creates said tune command for said advertised program based on said channel map information (user clicks advertisement, TV tunes to show [0129]).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 6, 28, 50 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184) in view of Allport (6567984).

As to claims 6, 28, 50,

Ching fails to specifically teach the channel map information is provided from the television appliance to the internet appliance.

In an analogous art, Allport discloses an internet appliance (fig. 1, el. 10; col. 9, lines 20-65), wherein embedded data such as channel map information is provided from the television appliance to the internet appliance (col. 12, lines 9-43).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach channel map information being provided from the television appliance to the internet appliance, as taught by Allport, for applications where embedded data is to be separated from the signal.

3. Claim(s) 8-9, 30-31, 52-53 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184) in view of Wang (20050267994).

As to claims 8, 30, 52,

Ching discloses using a television-based access device such as WebTV.

Ching fails to specifically teach said television appliance is associated with a cable modem.

In an analogous art, Wong discloses a WebTV-based system, wherein said television appliance is associated with a cable modem ([0011]).

It would have been obvious to one of ordinary skill in the art to modify the Ching system to teach said television appliance is associated with a cable modem, as taught by

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Wang, so as to allow broadband Internet access utilizing unused bandwidth on a cable television network.

As to claim 9, 31, 53,

Ching discloses: said selected program channel map information is communicated from the internet appliance to the television appliance [0129]

Wang discloses: via said cable modem [0011].

4. Claim(s) 18-19, 40-41, 62-63 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184) in view of Helmstetter (6792197).

As to claim 18, 40, 62,

Ching fails to specifically teach a recording device is set to record said advertised program in response to said tuning step.

In an analogous art, Helmstetter discloses a system of selectable advertisements, which can be recorded (col. 7, line 59 to col. 8, line 9).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach recording device is set to record said advertised program in response to said

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tuning step, as taught by Helmstetter, so as to allow the user to view the program at a more convenient time.

As to claim 19, 41, 63, Helmstetter discloses:

said recording device is one of a digital video recorder associated with said television appliance, a personal versatile recorder system integrated into said television appliance, or a video cassette recorder (col. 7, line 59 to col. 8, line 9; col. 3, line 58 to col. 4, line 2).

5. Claim(s) 20, 42, 64 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184) in view of Barrett (20020170057).

As to claim 20, 42, 64,

Ching fails to specifically teach said television appliance and said internet appliance communicate via an RF link.

In an analogous art, Barrett discloses a television appliance and internet appliance communicating via an RF link (fig.1; [0044]).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach said television appliance and said internet appliance communicate via an RF link, as taught by Barrett, so as to allow wireless video and/or audio transmission.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600